

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

KATIE LINDSEY,	)	
	)	
Plaintiff,	)	FILED: JUNE 20, 2008
	)	No. 08CV3547
v.	)	JUDGE LEINENWEBER
	)	MAGISTRATE JUDGE ASHMAN
WALGREEN CO.,	)	RCC
	)	
Defendant.	)	JURY TRIAL DEMANDED

**COMPLAINT**

NOW COMES Plaintiff, Katie Lindsey (“Lindsey”), by and through her attorneys, Barry A. Gomberg & Associates, Ltd., and as and for her Complaint against the Defendant alleges as follows:

**PARTIES**

1. Lindsey is a fifty-four (54) year-old resident of the State of Illinois residing in Cook County at 7944 S. Whipple Street, Chicago, Illinois 60652.

2. Defendant fashions itself as the nation’s leading drugstore chain with locations all over the country and its corporate office located in the State of Illinois, County of Lake, at 200 Wilmot Road, Deerfield, Illinois 60015.

**JURISDICTION AND VENUE**

3. The claims against Defendant are for age discrimination pursuant to the Age Discrimination in Employment Act of 1967 (“ADEA”), 29 U.S.C. § 621 et seq.

4. Jurisdiction is conveyed upon this Court for the ADEA claim by virtue of 28 U.S.C. § 1343 as this claim arises under the laws of the United States of America.

5. Venue is appropriate in the Northern District of Illinois, Eastern Division by virtue of 28 U.S.C. § 1391 as Lindsey's residence, the Defendant's business, and the events or omissions giving rise to this claim are located in the counties served by the Northern District of Illinois, Eastern Division.

**COUNT I – AGE DISCRIMINATION**

6. Lindsey re-alleges and incorporates as if fully set forth herein paragraphs 1 through 5 above.

7. Pursuant to Section 14(b) of the ADEA, 29 U.S.C. § 633(b), Lindsey has filed this cause more than sixty (60) days after the filing of a Charge of Discrimination with the State of Illinois Department of Human Rights ("IDHR"), pursuant to the requirements of the ADEA and the Equal Employment Opportunity Commission ("EEOC"), a copy of which is attached hereto as Exhibit A and fully incorporated herein by reference.

8. Lindsey has filed this cause pursuant to a Notice of Right to Sue issued by the EEOC within the statutory time requirement, a copy of which is attached hereto as Exhibit B.

9. In direct violation of the ADEA, Defendant engaged in the age discriminatory acts described in the Charge of Discrimination, attached as Exhibit A and fully incorporated herein by reference.

10. As a result of Defendant's discriminatory conduct, as aforesaid, Lindsey has been damaged in her career and has otherwise suffered monetary and non-monetary damage.

WHEREFORE, Plaintiff Katie Lindsey prays for judgment against Defendant as follows:

- A. For damages in an amount equal to Lindsey's backpay from August 30, 2007 through the present;
- B. For an award of compensatory damages for Lindsey's injury to her career, emotional pain and suffering, inconvenience, mental anguish, loss of enjoyment of life, and other non-pecuniary damages and fringe benefits;
- C. For reinstatement to her previous position, or in the alternative, for front pay.
- D. For attorney's fees and costs of this suit.
- E. For prejudgment interest.
- F. For such other and further relief as is just and equitable.

**COUNT II – ADEA – WILLFUL VIOLATION**

11. Lindsey re-alleges and incorporates as if fully set forth herein paragraphs 1 – 10 above.

12. Defendant's discriminatory conduct, as aforesaid, was intentional and/or in reckless disregard for Lindsey rights under the law and these acts constitute willful indifference to said rights.

WHEREFORE, Plaintiff Katie Lindsey prays for judgment against Defendant as follows:

- A. For damages in an amount equal to Plaintiff's back pay and benefits from August 30, 2007 through the present pursuant to Section 7(b) of the ADEA, 29 U.S.C. Section 626(b);

- B. For liquidated damages in an amount equal to Plaintiff's actual damages;
- C. For reinstatement to her previous position, or in the alternative for front pay, pursuant to Section 7(e) of the ADEA, 29 U.S.C. 626(e);
- D. For attorney's fees and costs of this suit, pursuant to Section 7(b) of the ADEA, 29 U.S.C. Section 626(c).
- E. For an award of prejudgment interest.
- F. For such other and further relief as is just and equitable.

Respectfully submitted,

KATIE LINDSEY

By: s/ Barry A. Gomberg  
One of Her Attorneys

Barry A. Gomberg  
Brian S. Schwartz  
Barry A. Gomberg & Associates, Ltd.  
53 W. Jackson Blvd., Suite 1350  
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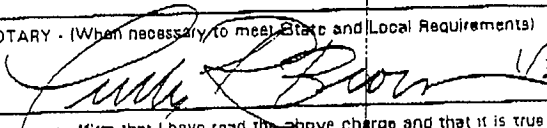
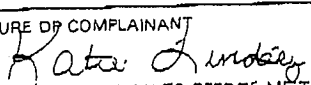
Dated: June 20, 2008

JUDGE LEINENWEBER

MAGISTRATE JUDGE ASHMAN

RCC

# EXHIBIT A

<b>CHARGE OF DISCRIMINATION</b> <small>This form is affected by the Privacy Act of 1974; see Privacy of Statement on reverse before completing this form</small>		ENTER CHARGE NUMBER <input checked="" type="checkbox"/> IDHR <input checked="" type="checkbox"/> EEOC <b>2008CA2389</b>	
IDHR, EEOC <small>(State or local Agency, if any)</small>			
NAME (Indicate Mr., Ms., or Mrs.) <b>Ms. Katie Lindsey</b>		HOME TELEPHONE NO (Include Area Code) <b>773-436-4267</b>	
STREET ADDRESS <b>7944 S. Whipple Street</b>		COUNTY <b>Cook County</b>	
CITY, STATE AND ZIP CODE <b>Chicago, IL 60652</b>			
NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)			
NAME <b>Walgreens Corporation</b>		NO. OF EMPLOYEES/MEMBERS <b>15 or more</b>	TELEPHONE NUMBER (Include Area Code)
STREET ADDRESS <b>200 Wilmot Road</b>		CITY, STATE AND ZIP CODE <b>Deerfield, IL 60015</b>	
NAME		TELEPHONE NUMBER (Include Area Code)	
STREET ADDRESS		CITY, STATE AND ZIP CODE	
CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es)) <input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> AGE <input type="checkbox"/> RETALIATION <input type="checkbox"/> OTHER (Specify) Disability			DATE MOST RECENT OR CONTINUING DISCRIMINATION TOOK PLACE (Month, day, year) <b>August 30, 2007</b>
THE PARTICULARS ARE (If additional space is needed, attached extra sheet(s)).  I. On June 20, 1995 Complainant began employment with Respondent as a Pharmacist at 200 Wilmot Road, Deerfield, IL 60015. II. Respondent has subjected Complainant to discrimination based on age (DOB 12/20/1953) by its agents and representatives. III. Respondent terminated Complainant on August 30, 2007 because of her age. IV. Complainant was meeting the legitimate expectations of Respondent. V. Similarly situated and younger employees with Respondent were treated more favorably. VI. As a result of the aforementioned discrimination, Respondent has caused Complainant to suffer extreme emotional distress. VII. As a result of the aforementioned discrimination, Respondent has caused Complainant to suffer pecuniary losses.			
<input checked="" type="checkbox"/> I also want this charge filed with the EEOC. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - (When necessary to meet State and Local Requirements)  <b>1/31/08</b>	
I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief		SIGNATURE OF COMPLAINANT  <b>1/31/08</b>	
I declare under penalty of perjury that the foregoing is true and correct.  <div style="border: 1px solid black; padding: 5px; width: fit-content;"> <b>"OFFICIAL SEAL"</b>  <b>CURTIS A. BROWN</b>  <b>NOTARY PUBLIC, STATE OF ILLINOIS</b>  <b>MY COMMISSION EXPIRES 10/24/2011</b> </div> Notary Stamp		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Day, month, and year)	

 DEPT. OF HUMAN RIGHTS  
 INTAKE UNIT

JAN 31 2008

RECEIVED

-3Y-

# EXHIBIT B

EEOC Form 181-B (3/88)

**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**  
**NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)**

To: **Katie Lindsey**  
**7944 S Whipple**  
**Chicago, IL 60652**

From: **Chicago District Office**  
**500 West Madison St**  
**Suite 2800**  
**Chicago, IL 60661**

**CERTIFIED MAIL 70993 4000 0144 0543 2747**



On behalf of person(s) aggrieved whose identity is  
**CONFIDENTIAL (29 CFR §1601.7(a))**

EEOC Charge No.

EEOC Representative

Telephone No.

**21B-2008-01322**

**Armernola P. Smith,**  
**State & Local Coordinator**

**(312) 886-5973**

*(See also the additional information enclosed with this form.)*

**NOTICE TO THE PERSON AGGRIEVED:**

**Title VII of the Civil Rights Act of 1964 and/or the Americans with Disabilities Act (ADA):** This is your Notice of Right to Sue, issued under Title VII and/or the ADA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII or the ADA **must be filed in a federal or state court WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)



More than 180 days have passed since the filing of this charge.



Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.



The EEOC is terminating its processing of this charge.



The EEOC will continue to process this charge.

**Age Discrimination in Employment Act (ADEA):** You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, **the paragraph marked below applies to your case:**



The EEOC is closing your case. Therefore, your lawsuit under the ADEA **must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice.** Otherwise, your right to sue based on the above-numbered charge will be lost.



The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge you may file suit in federal or state court under the ADEA at this time.

**Equal Pay Act (EPA):** You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

*John P. Rowe*

04/22/2008

(Date Mailed)

Enclosures(s)

**John P. Rowe,**  
**District Director**

cc:

**WALGREENS CORPORATION**  
**200 Wilmot Road**  
**Deerfield, IL 60015**